

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

THE GENERAL HOSPITAL
CORPORATION and DANA-FARBER
CANCER INSTITUTE, INC.,

Plaintiffs,

v.

ESOTERIX GENETIC LABORATORIES,
LLC and LABORATORY CORPORATION
OF AMERICA HOLDINGS,

Defendants.

CASE NO. 18-cv-11360-IT

**THIRD-PARTIES QIAGEN INC. AND QIAGEN MANCHESTER LTD.'S
EMERGENCY MOTION TO INTERVENE**

Pursuant to Federal Rule of Civil Procedure 24 and Local Rules 7.1 and 7.2, Third-Parties QIAGEN, Inc. and QIAGEN Manchester, Ltd. (collectively “QIAGEN”), respectfully move to intervene in this matter for purposes of the Court’s consideration of sealing issues as noted in its October 26, 2018 Electronic Order (D.E. # 71). In support of this motion, QIAGEN states as follows:

1. Today, on October 26, 2018, this Court entered an electronic order stating that the Court’s previously scheduled hearing on the pending motions to dismiss and for summary judgment, scheduled for 2:30 p.m. today, would be limited to addressing “sealing issues” in the present matter. D.E. # 71.

2. QIAGEN is not currently a party to this matter and did not learn of today’s hearing topic until informed by another party to this action only hours ago.

3. Among the materials currently filed under seal in this matter are several documents containing highly confidential QIAGEN information. QIAGEN would be greatly

prejudiced if this Court were to make public QIAGEN's confidential information. The General Hospital Corporation did not notify QIAGEN that it intended to attach QIAGEN's confidential settlement agreement with Defendants to its motion in this litigation (D.E. # 44-2). In addition, it is QIAGEN's understanding from Defendants' counsel that these documents are unnecessary to the adjudication of the issues between the parties to this Action.

4. WHEREFORE, QIAGEN respectfully requests that this motion be granted, and that QIAGEN be allowed to intervene in this matter for purposes of the Court's consideration of sealing issues as noted in its October 26, 2018 Electronic Order (D.E. # 71).

Dated: October 26, 2018

QIAGEN Inc., and QIAGEN Manchester, Ltd.,
By their attorneys,

Fitch Law Partners LLP

/s/ Ryan M. Cunningham

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CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I, Ryan M. Cunningham, counsel for QIAGEN, hereby certify that due to the emergency nature of the motion, counsel for QIAGEN has not been able to obtain the assent or not of counsel for Plaintiffs and Defendants.

/s/ Ryan M. Cunningham

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing document to be filed through the Court's ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent to those indicated as non-registered participants on October 26, 2018.

/s/ Ryan M. Cunningham

Ryan M. Cunningham